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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,173	04/30/2001	Carmelo Giuffre	KARAGHIOSSOFF	3489

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EXAMINER

MUSSER, BARBARA J

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/763,173	Applicant(s) GIUFFRE, CARMELO	
	Examiner Barbara J. Musser	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 10 and 110. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

While applicant has supplied a drawing showing numbers 210, and 310, the specification appears to indicate these numbers refer to portions of the push bar 10 which is not part of number 11, but rather is the device pushing the dripper unit in the pipe.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear where the sentence ends, as it has three periods, in lines 7, 19, and 23.

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Regarding claim 3, it is unclear what is meant by the claim as "the transverse component of the force," has no place in the sentence structure. It appears the claim intends to state that the orientation of the components is selected so as to vary at will the transverse force component.

Regarding claim 6, it is unclear what is meant by the mutual compression exerted by the dripping units and the pipe as the compression is exerted on the dripping units and the pipe by other devices which press them together. Pressure on two items is not caused by the two items, but by something forcing them together. It is suggested the "by" in lines 5 and 6 of the claims be changed to --on--. It is unclear how this pressure is intended to be mutual as mutual suggests that both articles are pressing against each other.

Claim 7 recites the limitation "drag and/or push" in line 3. There is insufficient antecedent basis for this limitation in the claim. There is antecedent basis for advance, but not push or drag.

Claim 8 recites the limitation "dragged and/or pushed" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 8, it is unclear what conditions and forces are similar and in what manner. It is unclear what range is encompassed by similar.

Regarding claim 9, it is unclear what force is referred by "the thrust". It is suggested this is intended to be the "dragging, advancing, or pushing force" of claim 7. It is unclear what is meant by "elastic dampers" as the phrase cannot be found in the

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specification. Applicant is asked to point to supporting and explaining language in the specification.

Claim 10 recites the limitation "dragging or pushing means" in lines 3 and 4.

There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 10, it is unclear what is meant by the claim as the examiner cannot find an explanation of the claim language in the specification. Applicant is asked to point to supporting and explaining language in the specification. It is unclear what is meant by the dripper units being joined to the dragging means by the friction means as the dripper units are only joined to the wall of the extruded tube. It is unclear what is meant by force limitation.

Regarding claim 11, it is unclear how the pressure of the dripping units on the pipe can act as an external pressure on the pipe when they are on the interior of the pipe. The claim does not recite any device which can be applying the pressure, making the claims appear as though the pressure claimed is that of the pipe against the dripper units. A compression pressure is not a device for pressing. It is suggested that the claim be changed to indicate a device is applying external pressure to the pipe.

Regarding claims 12-14, it is unclear whether the portion of the claim after "i.e." is intended to further limit the claim or not.

Regarding claim 16, "the compression area" has no antecedent basis.

Regarding claim 25, step e is not an apparatus limitation. It is suggested this be changed to "means for perforating". It is suggested that --wherein-- be added at the beginning of step f.

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Claim 25 recites the limitation "advancing" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is suggested that "conveying" in claim 24 be changed to --advancing--. It is noted that if "conveying" in claim 24 is changed to --advancing--, claim 26 would also need to be amended.

Claim 28 recites the limitation "advancing" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "advancing" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "advancing" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 30, it is unclear what is meant by "means for disengaging" and "when a predetermined pressure is attained" as the examiner cannot find an explanation of the claim language in the specification. Applicant is asked to point to supporting and explaining language in the specification. It appears that this simply means that the pushing/dragging means ends at a given spot, and such is not a separate means for disengaging.

Regarding claims 30 and 33, it is unclear whether the portion of the claim after "i.e." is intended to further limit the claim or not.

Regarding claim 31, it is unclear what is meant by the claim as the examiner cannot find an explanation of the claim language in the specification. Applicant is asked to point to supporting and explaining language in the specification. The term "elastic means" is not defined in the specification.

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Regarding claim 39, it is unclear whether the first contact area is in a different conical length of the pipe than that claimed in claim 24.

Claim 40 recites the limitation "advancing" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

Examiner agrees the claims are allowable over the art used in the rejection.

Allowable Subject Matter

4. Claims 2-23 and 25-40 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
5. Claims 1 and 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
6. The following is a statement of reasons for the indication of allowable subject matter: upon reconsideration, the claims are considered to require that the dripper units move faster than the wall of the pipe and not merely that they are capable of moving faster than the wall of the pipe. As such, the prior art of record does not teach or fairly suggest feeding the dripper units such that they contact the wall of the drip irrigation hose at a faster speed than the wall of the hose.

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Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

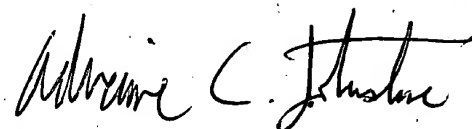
Cohen(U.S. Patent 6,461,468) is cited as a possible interference with applicant's claims, specifically see claim 2 of Cohen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Barbara J. Musser** whose telephone number is (703)-**305-1352**. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


BJM
June 10, 2003



ADRIENNE C. JOHNSTONE
PRIMARY EXAMINER
GROUP 1300

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